

## By the United States in Congress assembled. August 7, 1786

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An **ORDINANCE** for the Regulation of **INDIAN AFFAIRS**.

**WHEREAS** the safety and tranquillity of the frontiers of the United States, do in some measure, depend on the maintaining a good correspondence between their citizens and the several nations of Indians in amity with them: And whereas the United States in Congress assembled, under the ninth of the articles of confederation and perpetual union, have the sole and exclusive right and power of regulating the trade, and managing all affairs with the Indians not members of any states; provided that the legislative right of any state within its own limits be not infringed or violated.

*Be it ordained by the United States in Congress assembled,* That from and after the passing of this ordinance, the Indian department be divided into two districts, viz. The *southern*, which shall comprehend within its limits, all the nations in the territory of the United States, who reside southward of the river Ohio; and the *northern*, which shall comprehend all the other Indian nations within the said territory, and westward of Hudson river: Provided that all councils, treaties, communications and official transactions, between the superintendant hereafter mentioned for the northern district, and the Indian nations, be held, transacted and done, at the outpost occupied by the troops of the United States, in the said district. That a superintendant be appointed for each of the said districts, who shall continue in office for two years, unless sooner removed by Congress, and shall reside within or as near the district for which he shall be so appointed, as may be convenient for the management of its concerns. The said superintendants, shall attend to the execution of such regulations, as Congress shall from time to time establish respecting Indian affairs. The superintendant for the northern district, shall have authority

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to appoint two deputies, to reside in such places as shall best facilitate the regulations of the Indian trade, and to remove them for misbehaviour. There shall be a communications of all matters relative to the business of the Indian department, kept up between the said superintendants, who shall regularly correspond with the secretary at war, through whom all communications respecting the Indian department, shall be made to Congress; and the superintendants are hereby directed to obey all instructions, which they shall from time to time receive from the said secretary at war. And whenever they shall have reason to suspect, any tribe or tribes of Indians, of hostile intentions, they shall communicate cases, the same to the executive of the state or states, whose territories are subject to the effect of such hostilities. All stores, provisions or other property, which Congress may think necessary for presents to the Indians, shall be in the custody and under the care of the said superintendants, who shall render an annual account of the expenditures of the same, to the Board of Treasury.

*And be it further ordained,* That none but citizens of the United States, shall be suffered to reside among the Indian nations, or be allowed to trade with any nation of Indians, within the territory of the United States. That no person, citizen or other, under the penalty of five hundred dollars, shall reside among or trade with any Indian or Indian nation, within the territory of the United States, without a license for that purpose first obtained from the superintendant of the district, or one of the deputies, who are hereby directed to give such license to every person, who shall produce from the supreme executive of any state, a certificate under the seal of the state, that he is of good character and suitably qualified, and provided for that employment, for which license he shall pay the sum of fifty dollars to the said superintendant for the use of the United States. That no license to trade with the Indians shall be in force for a longer term than one year; nor shall permits or passports be granted to any other persons than citizens of the United States to travel through the Indian nations, without their having previously made their business known to the superintendant of the district, and received his special approbation. That previous to any person or persons obtaining a license to trade as aforesaid, he or they shall give bond

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in three thousand dollars to the superintendant of the district, for the use of the United States, for his or their strict adherence to, and observance of such rules and regulations as Congress may from time to time establish for the government of the Indian trade. All sums to be received by the said superintendants, either for licenses or fines, shall be annually accounted for by them with the board of treasury.

*And be it further ordained*, That the said superintendants, and the deputies, shall not be engaged, either directly or indirectly in trade with the Indians, on pain of forfeiting their offices, and each of the superintendants shall take the following oath, previous to his entering on the duties of his appointment—"I, A.B. do swear, that I will well and faithfully serve the United States in the office of superintendant of Indian affairs, for the district: That I will carefully attend to all such orders and instructions as I shall from time to time receive from the United States in Congress assembled, or the secretary at war: That I will not be concerned, either directly or indirectly in trade with the Indians, and that in all things belonging to my said office, during my continuance therein, I will faithfully, justly and truly, according to the best of my skill and judgment, do equal and impartial justice, without fraud, favour or affection." And the superintendant for the northern district, shall administer to his deputies, the following oath, before they proceed on the duties of their office, "I, A.B. do swear, that I will well and faithfully serve the United States, in the office of deputy superintendant of Indian affairs in the northern district, that I will carefully attend to all such orders and instructions as I shall from time to time receive from the United States in Congress assembled, the secretary at war, or the superintendant of the district aforesaid, and that in all things belonging to my said office, during my continuance therein, I will faithfully, justly and truly, according to the best of my skill and judgment, do equal and impartial justice, without fraud, favor or affection." And the said superintendants, and deputy-superintendants, shall each of them give bond with surety to the board of treasury, in trust for the United States; the superintendants each in the sum of six thousand dollars, and the deputy-superintendants each in the sum of three thousand dollars, for the faithful discharge of the duties of their office.

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*And it is further ordained,* That all fines and forfeitures which may be incurred by contravening this ordinance, shall be sued for and recovered before any court of record within the United States, the one moiety thereof to the use of him or them who may prosecute therefor, and the other moiety to the use of the United States. And the said superintendants shall have power, and hereby are authorised, by force to restrain therefrom, all persons who shall attempt an intercourse with the said Indians without a license therefor obtained as aforesaid.

*And be it further ordained,* That in all cases where transactions with any nation or tribe of Indians shall become necessary to the purposes of this ordinance, which cannot be done without interfering with the legislative rights of a state, the superintendant in whose district the same shall happen, shall act in conjunction with the authority of such state. *Done, &c.*